

**REMARKS**

**INTRODUCTION:**

In accordance with the foregoing, claim 39 has been amended.

No new matter is being presented, and approval and entry of the foregoing amendments are respectfully requested.

Claims 1-82 are pending and under consideration. Reconsideration is requested.

**OBJECTIONS TO THE CLAIMS:**

In the Office Action at page 2, the Examiner objects to claim 39 as being a substantial duplicate of claim 11. Since claim 39 now depends from claim 1, it is respectfully requested that the Examiner reconsider and withdraw the objection.

**REJECTION UNDER 35 U.S.C. §103:**

In the Office Action at pages 2-7, the Examiner rejects claims 49 and 60 under 35 U.S.C. §103 in view of Kashiwagi (U.S. Patent No. 6,069,868) and Kobayashi (U.S. Patent No. 5,724,335). The rejection is respectfully traversed and reconsideration is requested.

Among other features, the Examiner asserts that the optical base disk 31 and the optical base disk 32 of the optical disk 11 disclosed in Kashiwagi correspond to the first medium other than the second medium as recited in claim 49. By way of review, Kashiwagi teaches using a single disk 11 having high density and low density recording disks 31, 32 separated by a transparent adhesive layer 33. The high density disk 31 receives 410 nm from the light source 21, and the low density disk 32 receives 780 nm from the light source 21 as shown in FIG. 3. However, since the adhesive layer 33 fastens the disks 31, 32 together, Kashiwagi does not suggest that the disk 31 is separate from the disk 32. Since Kobayashi is not relied upon as disclosing such a feature, it is respectfully submitted that the combination does not disclose or suggest "a second medium other than the first medium" as recited in claim 49.

Additionally, the Examiner acknowledges that Kashiwagi does not suggest a collimating lens as recited in claim 1. In order to cure this deficiency, the Examiner asserts that FIG. 25 of Kobayashi teaches the use of a collimating lens having a diverging power. By way of review, Kobayashi teaches the use of a lens which changes a divergence degree of diverged light, an example of which is a collimator. (Col. 1, lines 43-47 of Kobayashi). However, there is no suggestion that the general collimator has a diverging power as opposed to a collimating power consistent with the general understanding of the term "collimator." E.g., WEBSTER'S NINTH NEW

COLLEGIATE DICTIONARY, P. 260 (1986)(collimator is "a device for producing a beam of parallel rays...."). Additionally, FIG. 25 does not reveal that the shown lens has a diverging power, and instead appears to show that the lens has a non-diverging power since the rays become less divergent after passing through the lens. Since Kashiwagi is not relied upon as disclosing such a feature, it is respectfully submitted that the collimator of Kobayashi in combination with Kashiwagi does not disclose or suggest "a collimating lens arranged in an optical path between said light source and said optical element, the collimating lens having a diverging lens with a diverging power" as recited in claim 49.

Lastly, Kobayashi teaches the use of the lens shown in FIG. 25 in the context of a Digital Versatile Disk (DVD) and a Compact Disk (CD). As such, there is no suggestion that the lens shown in FIG. 25 should be used or would be useable with light having a wavelength of 400 nm. Since Kashiwagi is not relied upon as disclosing such a feature, it is respectfully submitted that the combination further does not disclose or suggest "the diverging power of the diverging lens is sufficient to allow the optical element to focus the first light beam with the wavelength of roughly 400 nm onto the first medium with negligible aberration" as recited in claim 49.

For at least similar reasons, it is respectfully submitted that the combination does not disclose or suggest at least "light sources to emit respective light beams of different wavelengths, wherein one of the wavelengths is less than roughly 500 nm and another one of the wavelengths is more than roughly 500 nm" and "a collimating lens arranged between said light sources and said optical element, wherein said collimating lens comprises a surface with a diverging power" as recited in claim 60.

In the Office Action at pages 7-9, the Examiner rejects claim 74 under 35 U.S.C. §103 in view of Kashiwagi, Kobayashi, and Kashiwagi (U.S. Patent No. 6,175,548). The rejection is respectfully traversed and reconsideration is requested.

On page 9 of the Office Action, the Examiner relies on Kashiwagi (U.S. Patent No. 6,175,548) to disclose a range of blue laser light including a wavelength of less than 400 nm, but not as otherwise curing the above noted deficiencies of the combination of Kashiwagi and Kobayashi as applied to claims 49 and 60. Therefore, for at least similar reasons to those set forth in regard to claims 49 and 60, it is respectfully submitted that the combination of Kashiwagi, Kobayashi, and Kashiwagi (U.S. Patent No. 6,175,548) does not disclose or suggest "light sources to emit a light beam of less than roughly 400 nm and another light beam having a wavelength suitable for recording and/or reproducing data with respect to a digital versatile disc," and "a collimating lens arranged between said light source and said optical element, wherein said collimating lens comprises a surface with a diverging power" as recited in claim 74.

**STATUS OF CLAIMS NOT REJECTED:**

On page 10, the Examiner allows claims 1-48, 50-59, 61-73, and 75-82.

**CONCLUSION:**

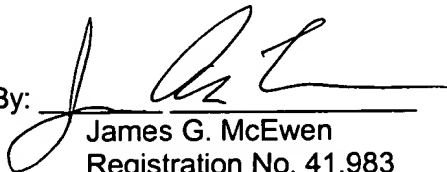
In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, it is respectfully submitted that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any additional fees associated with the filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

By:   
James G. McEwen  
Registration No. 41,983

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501

Date: July 29, 2004